

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles C. Stearns et al.

Assignee: S3, Incorporated

Title: METHOD AND APPARATUS FOR DECOMPRESSION OF MPEG COMPRESSED DATA IN A COMPUTER SYSTEM

Serial No.: 08/538,887

Filed: October 3, 1995

Examiner: E. Ramirez

Group Art Unit: 2414

Docket No.: M-3314-1P US

San Jose, California
November 6, 1997

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D. C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PATENT**

Sir:

Petitioner, S3, Incorporated, a California corporation having a place of business at 2831 Mission College Boulevard, P.O. Box 58058, Santa Clara, California 95052, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided in the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, filed prior to the grant of any patent granted on pending second Application Serial No. 489,488, filed on June 12, 1995. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

LAW OFFICES
OF
SKJERVEN,
MORRILL,
MacPHERSON,
FRANKLIN
& FRIEL LLP

25 METRO
DRIVE
SUITE 700
SAN JOSE, CA
95110
(408) 453-9200
FAX (408) 453-

389005 v1

- 1 -

SER. NO. 08/538,887

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event any such patent granted on the second application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Commissioner is hereby authorized to charge the fee of \$110.00 for this Terminal Disclaimer, as well as any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2386 as set forth in the enclosed transmittal letter.

The undersigned is attorney or record.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231,

on Nov. 6, 1997

Norman R. Klivans Nov. 6, 1997
Attorney for Applicant(s) Date of Signature

Respectfully submitted,

Norman R. Klivans
Norman R. Klivans
Attorney for Applicants
Reg. No. 33,003

LAW OFFICES
OF
SKJERVEN,
MORRILL,
MacPHERSON,
FRANKLIN
& FRIEL LLP

25 METRO
DRIVE
SUITE 700
SAN JOSE, CA
95110
(408) 453-9200
FAX (408) 453-